

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Doug Swartz on 12/4/09.

The application has been amended as follows:

In claim 60, line 8, after the term "mg/L" the phrase -- and wherein the molecular oxygen is introduced under pressure into the heap by a network of conduits positioned in the base of the heap -- has been added.

In claim 100, line 8, after the term "mg/L" the phrase -- and wherein the molecular oxygen is introduced under pressure into the heap by a network of conduits positioned in the base of the heap -- has been added.

Claim 62 has been canceled.

The following is an examiner's statement of reasons for allowance:

The claims are allowed for the reasons of record. Moreover the most relevant prior art Ji US 6660059 does not teach or suggest that the oxygen is introduced under pressure into the heap by a network of conduits positioned in the base of the heap. Further, Ji cannot be relied upon for a showing of obviousness under 35 USC 103 because Ji could only be prior art under 35 USC 102(e)(2) and the applicant claims the benefit of 35 USC 103(c)(1) because the instant application is assigned to the same

assignee of the Ji patent, namely Placer Dome Technical Services Limited (See Applicant's response filed 8/27/09)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. FIORITO whose telephone number is (571)272-7426. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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